

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE STATE STREET BANK AND  
TRUST CO. FIXED INCOME FUNDS  
INVESTMENT LITIGATION

MDL No. 1945

USDC SDNY  
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IN RE STATE STREET BANK AND  
TRUST CO. ERISA LITIGATION

This document relates to:

No. 07 Civ. 8488 (RJH)

07 Civ. 9319  
07 Civ. 9687  
08 Civ. 0265

**STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING BRIEFING SCHEDULE FOR PLAINTIFF PLAN TRUSTEES/TRUSTEE  
COUNTERCLAIM DEFENDANTS'  
MOTION TO DISMISS STATE STREET'S COUNTERCLAIMS**

TO THE HONORABLE COURT:

On March 3, 2009, Plaintiff Plan Trustees and Trustee Counterclaim Defendants ("Plaintiffs") in the above-captioned ERISA class action served their Motion To Dismiss State Street's Counterclaims (the "Motion") and supporting papers on State Street, pursuant to discussions at the January 15, 2009 Court hearing. Under Local Civil Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, State Street's Opposition to the Motion would have been due on March 17, 2009, and Plaintiffs' Reply brief in support of the Motion would have been due on March 24, 2009.


The parties have conferred and have agreed to extend the briefing period for both State Street's Opposition brief and Plaintiffs' Reply brief. State Street's Opposition brief will be

served on Plaintiffs on April 7, 2009. Plaintiffs' Reply Brief will be served on State Street by April 24, 2009.

IT IS HEREBY STIPULATED AND AGREED, as evidenced by the signature of counsel hereto, and subject to Court approval, that:

1. State Street shall not be required to serve its Opposition to Plaintiffs' Motion to Dismiss State Street's Counterclaims until April 7, 2009.
2. Plaintiffs shall not be required to serve any reply in support of the Motion to Dismiss State Street's Counterclaims until April 24, 2009.

Dated: March 27, 2009

 (On behalf of all Class Plaintiffs, with authority)  Lynn L. Sarko Derek W. Loeser Karin B. Swope Laura R. Gerber KELLER ROHRBACK LLP 1201 Third Avenue, Suite 3200 Seattle, Washington 98101 Phone: (206) 623-1900 Fax: (206) 623-3384	  William C. Fredericks Jonathan Harris Jerald D. Bien-Willner John M. Diaz BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP 1285 Avenue of the Americas New York, New York 10019 Phone: (212) 554-1400 Fax: (212) 554-1444
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Plaintiff State Street Bank and Trust  
Company*

SO ORDERED this 2 day of April, 2009.

  
United States District Judge